



Appeal Decisions

Site visit made on 11 January 2022

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2022

Appeal A Ref: APP/G4620/W/21/3283113

920-922 Walsall Road, Great Barr, Birmingham B42 1TG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Scott Arms Homes Limited against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/20/65080, dated 15 December 2020, was refused by notice dated 19 March 2021.
 - The development proposed is described as 'conversion to 9 x 2 bed apartments'.
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Appeal B Ref: APP/G4620/W/21/3283115

Land to the rear of 920-922 Walsall Road, Great Barr, Birmingham B42 1TG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Scott Arms Homes Limited against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/21/65843, dated 29 June 2021, was refused by notice dated 26 August 2021.
 - The development proposed is demolition of No. 920 Walsall Road and erection of 6 no. 2 bed apartments.
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Decision

1. The appeals are dismissed.

Preliminary Matters

2. Appeals A and B are separate, relating to different proposals on the same site. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
3. Notwithstanding the descriptions in the headings above, both proposals comprise the demolition of the existing house at 920 Walsall Road and erection of a detached apartment block. Appeal A would provide nine flats and Appeal B would provide six.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the surrounding area; and

- the living conditions of the occupants of neighbouring properties on Waddington Avenue and Walsall Road, with particular regard to privacy, outlook and light.

Reasons

Character and Appearance

5. Walsall Road is a busy main road comprising a mix of residential and commercial uses. In the immediate vicinity of the appeal site and extending towards Jayshaw Avenue, buildings are detached and semi-detached two storey properties. There is a strong building line, with properties set behind large areas of parking laid out with hardstanding. From Walsall Road, views of land to the rear of existing properties are very restricted, due to limited gaps between buildings and intervening boundary treatments. There is some variation in building heights, styles and roof lines, but the consistency of the building line and two storey scale is a positive defining feature of the character of the road.
6. The three storey residential accommodation at Sandringham Court marks a change in the character of the road. Its building line is set closer to the road and comprises substantial buildings. Its red brick appearance contrasts with the white render of Nos 920 and 922 and adjacent buildings. Consequently, it appears as a distinct development, prominent in the street scene and extending further back from the road. This leads on to a three storey retail parade, including residential accommodation above ground floor level.
7. In both appeals, the apartment block would be positioned towards the rear of the site, set back some considerable distance from the predominant building line. Demolition of No 920 would provide relatively open views of the proposed apartment building from Walsall Road. This would create a wide break in the building line, at odds with the pleasing continuity of existing buildings along this part of the road. Both appeals propose the building to be positioned in line with a block at the rear of the Sandringham Court development. It would therefore appear to join up with that development. However, with Nos 922 – 926 being retained, both proposals would appear as a tandem development, set behind No 922, rather than as a comprehensive redevelopment scheme.
8. Consequently, the proposals would harm the character and appearance of the area. Therefore, the proposals would not accord with Policy ENV3 of the Black Country Core Strategy (February 2011) (Core Strategy) which seeks to achieve successful place-making and proposals of a high quality design. They would also be contrary to Policy SAD ES09 of the Council's Site Allocations and Delivery Development Plan Document (December 2012) (DPD) which requires that particular attention is given to how developments relate to the street.
9. Moreover, given the conflict with these policies, the proposals would not be wholly in accordance with the requirements of Policy H2 of the DPD, which supports residential development in windfall sites subject to certain criteria, including that the proposal is capable of meeting other development plan policies. The proposals would conflict with paragraph 130 of the National Planning Policy Framework (Framework), which seeks to ensure developments are sympathetic to local character. The proposals would also conflict with guidance at section 2.1 of the Council's Residential Design Guide Supplementary Planning Document (2014) (SPD), which identifies that tandem

development should generally be resisted, and seeks to avoid subdivision of existing plots where it would harm the character of the existing street.

Living Conditions

10. Due to ground levels rising up beyond the rear of the site, the ridge level of the proposed three storey apartment building (Appeal A) would be only slightly taller than that of houses immediately to the rear of the site on Waddington Avenue. The ridge height of Appeal B would be slightly lower than the ridge height of those houses. The proposed separation distance of around 27.4m between the rear elevation of the appeal buildings and that of houses on Waddington Avenue, would be broadly in compliance with the distance specified in the SPD for three storey rear facing elevations.
11. The presence of a rear access track between the appeal site and rear gardens on Waddington Avenue, and intervening vegetation, would further limit intervisibility between existing properties and the appeal proposals. Higher site levels on Waddington Avenue, together with existing intervening vegetation, would also limit the extent of any additional shading of rear gardens there.
12. Both proposals would introduce a considerable number of habitable room windows with views towards the rear elevations of existing properties on Walsall Road. Some properties are in commercial use and therefore may be less sensitive to overlooking. However, others such as No 918, appear to be residential. Furthermore, the submitted plans show what appears to be Juliet style balconies at ground and first floor level. Although a degree of overlooking between residential properties is not uncommon in suburban areas, the topography is such that the proposal would create the potential for a considerable degree of overlooking, both actual and perceived, within such properties and rear gardens.
13. The sense of overlooking in the rear garden at No 918, for example, would be heightened by the garden's long and relatively narrow shape, leaving little areas out of view of the proposals' front facing windows. Moreover, the scale of the proposals, their position on higher ground at the rear of the site, combined with the number and size of the proposed windows, would appear overly intrusive in views from existing buildings on Walsall Road, such as No 918.
14. Rear gardens of houses on Walsall Road are sufficiently long that any increased shading would be unlikely to unacceptably harm living conditions of occupants there.
15. Therefore, neither appeal would unacceptably harm the living conditions of occupants of houses on Waddington Avenue with respect to outlook, privacy or light. Also, neither appeal would unacceptably harm living conditions of neighbouring occupants on Walsall Road with respect to light. However, both appeals would unacceptably harm the living conditions of the occupants of neighbouring houses on Walsall Road with respect to privacy and outlook.
16. Accordingly, whilst I have found some compliance, overall the proposals would be contrary to paragraph 130 of the Framework, which seeks to ensure that developments provide a high standard of amenity for existing and future users. Whilst the proposals would comply with the separation distance set out in the SPD, they would not meet its overall aspiration for developments to be designed to meet the needs of the local community.

Other Matters

17. I note that the Council's policy officer considered the proposals to be acceptable and in compliance with relevant standards including the SPD. I accept that the site has the benefit of being relatively accessible and in close proximity to shops and facilities. There would also be some benefits from the scheme, in terms of creating additional residential accommodation, construction employment and local trade. However, these matters do not outweigh the potential harm I have identified to the character and appearance of the surrounding area and to living conditions of neighbouring occupants. An absence of harm in respect of matters such as highway safety and flood risk are neutral considerations.

Conclusion

18. For the reasons given above I conclude that Appeal A and Appeal B should be dismissed.

Rachel Hall

INSPECTOR